UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT CHATTANOOGA

UNITED STATES OF AMERICA)	
)	Case No. 1:15-CR-47-CLC-SKL
v.)	
)	
JOSE OSORIO GARCIA)	
	0 D D E D	

ORDER

Magistrate Judge Susan K. Lee filed a report and recommendation recommending the Court: (1) grant Defendant's motion to withdraw his not guilty plea to Counts One and Five of the eight-count Superseding Indictment; (2) accept Defendant's plea of guilty to Counts One and Five of the Superseding Indictment; (3) adjudicate Defendant guilty of the charges set forth in Counts One and Five of the Superseding Indictment; (4) defer a decision on whether to accept the amended plea agreement until sentencing; and (5) find Defendant shall remain in custody until sentencing in this matter [Doc 92]. Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court ACCEPTS and ADOPTS the magistrate judge's report and recommendation [Doc. 92] pursuant to 28 U.S.C. § 636(b)(1) and ORDERS as follows:

- (1) Defendant's motion to withdraw his not guilty plea to Counts One and Five of the Superseding Indictment is **GRANTED**;
- (2) Defendant's plea of guilty to Counts One and Five of the Superseding Indictment is **ACCEPTED**;
- (3) Defendant is hereby **ADJUDGED** guilty of the charges set forth in Counts One and Five of the Superseding Indictment;
- (4) A decision on whether to accept the amended plea agreement is **DEFERRED** until

sentencing; and

(5) Defendant **SHALL REMAIN** in custody until sentencing in this matter which is scheduled to take place on **November 19, 2015 at 2:00 p.m. [EASTERN]** before the Honorable Curtis L. Collier.

SO ORDERED.

ENTER:

<u>/s/</u> CURTIS L. COLLIER

UNITED STATES DISTRICT JUDGE